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4 UNITED STATES DISTRICT COURT  
5 EASTERN DISTRICT OF WASHINGTON

6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 v.

9 MICHAEL DAVIS BRYANT,

10 Defendant.  
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NO. CR-03-0245-RHW

**ORDER DENYING DEFENDANT'S  
MOTION TO EXTEND PRETRIAL  
MOTIONS DEADLINE AND  
CONTINUE TRIAL IF NECESSARY,  
AND DISMISSING SUPERSEDING  
INFORMATION**

14 Before the Court is Defendant's Motion to Extend the Pretrial Motions Deadline  
15 and Continue Trial if Necessary (Ct. Rec. 78). A pretrial conference was held on June  
16 14, 2005, in Spokane, Washington. The Defendant was present and represented by  
17 defense counsel George Trejo, Jr.; the Government was represented by United States  
18 Attorney James McDevitt. At the hearing, the Defendant agreed to proceed on the  
19 brief. Mr. McDevitt indicated that the Government wished to stand on the record and  
20 proceed to trial as scheduled. This order memorializes the Court's oral rulings.

21 At the hearing, the Defendant agreed to allow the Court to consider the motion  
22 for reconsideration based on the briefs already filed. Defense counsel stated that the  
23 Defendant's motion did not require an additional evidentiary hearing. Accordingly, the  
24 parties agreed to proceed to trial on July 5, 2005. The Government and the Defendant  
25 also agreed that the superseding information filed against Defendant on May 28, 2004  
26 (Ct. Rec. 22) should be dismissed, because the Government intends to go to trial on the  
27 original indictment.

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**ORDER DENYING DEFENDANT'S MOTION TO EXTEND PRETRIAL  
MOTIONS DEADLINE AND CONTINUE TRIAL IF NECESSARY\* 1**

Accordingly, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion to Extend the Pretrial Motions Deadline and Continue Trial if Necessary (Ct. Rec. 81) is **DENIED**.

2. Defendant's Motion to Withdraw Guilty Plea (Ct. Rec. 68) is **DENIED AS MOOT**. The Court has already given the Defendant leave to withdraw his plea, and he has done so.

3. The Defendant's Motions to Extend Time to File Motions and File Memorandum (Ct. Recs. 62 & 65) are **DENIED AS MOOT**.

4. The Superseding Information (Ct. Rec. 22) against the Defendant is **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Crim. P. 48(a).

**IT IS SO ORDERED.** The District Court Executive is hereby directed to enter this order and to furnish copies to counsel.

**DATED** this 21<sup>st</sup> day of June, 2005.

s/ ROBERT H. WHALEY  
United States District Judge

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